

N.

18

I commenced Survey of Section

Town North,

Range West.

County Surveyor.

W.

E.

S.

COURSE.

DISTANCE.

REMARKS.

I think about all the measurements about the marsh (in sec. 6 or 7-6-6) recorded in the original survey are a mere estimate without measurement or were a conjecture rather. The line on the east side of these sections is about 15 rods short of the original record.

I can't accept the logs therefore as evidence for if they are assumed to be measured correctly the corners from which they were measured can't be found and to measure from corners relocated would be a war I never make of them. Where there is good reason to believe the relocation is on or very near the original corner and the logs measured correctly I would make an exception perhaps in absence of other evidence. There is a Black Oak noted as a line tree on the range line on the west of sec. 18. It is gone also but since it is known to be in the Field Notes it is claimed to have been there a few years ago. They say the marks were on it - these notches. This unfortunately is a road viewers mark. I said the government manual

Corners Established.

Monument.

Bearing Trees.

Diameter in
Inches.

Course.

Links
Distant.

called for only two notches for an aft and that is all I have ever seen on any line tree.

The roots of a tree has been lately dug up claimed to be the witness for the East half mile corner section 13-6-7. It would be an arduous task to consider what evidence might be in every old stump or tree along the line. No art nor pains has been spared to disclose any thing which would reflect evidence on the cause of appellants which is all well enough. If these roots can be proved to be those of the original witness tree why that settles the matter as to that corner at any rate.

To infer it to be a witness tree because it measured proper distance from some assumed corner or line would supply an argument in a circle. Proving the witness tree by the line instead of the line by the witness tree.

If I find the remains of two witness trees and they correspond with the Field Notes in course distance and species I think it good evidence but the remains of our tree never. In some cases it might strengthen confidence in a cumulative evidence or corroborative evidence. I will now approach a point I think very disastrous if not fatal to the theory of the appellants. At the East half mile corner sec. 12-6-7 there is a white oak tree. Squibb's location of the line is east of this tree. The survey of the line shows it to be on the east side and the numbers for the corner is said to be on the east side of the tree. There is an injury at least in that side of the tree and I doubt not it could be proved anytime. The appellants and their surveyors locate the line on the west side of the tree. But this was Squibb's starting point according to his field notes both in running north and south. How could it be conceived Mr.